

I certify that the attached is a true and
correct copy of HB 1191, which
was filed of record on FEB 16 1989

and referred to the committee on:

Natural Resources

Betty Murray

Chief Clerk of the House

1989 MAR -1 AM 11:39

HOUSE OF REPRESENTATIVES

FILED FEB 16 1989

HB. No. 1191

By *Mark [Signature]*

A BILL TO BE ENTITLED

AN ACT

relating to approval by the Texas Water Commission of drainage
district bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 56, Water Code, is amended
by adding Section 56.2045 to read as follows:

Sec. 56.2045. AUTHORITY OF COMMISSION OVER ISSUANCE OF
DISTRICT BONDS. (a) A district may not issue bonds, except
refunding bonds, unless the commission determines that the project
to be financed by the bonds is feasible and issues an order
approving issuance of the bonds.

(b) A district may submit to the commission a written
application for investigation of feasibility. An engineer's report
describing the project, including the data, profiles, maps, plans,
and specifications prepared in connection with the report, must be
submitted with the application.

(c) The executive director shall examine the application and
the report and shall inspect the project area. The district shall,
on request, supply the executive director with additional data and
information necessary for investigation of the application, the
engineer's report, and the project.

(d) The executive director shall prepare a written report on
the project and include suggestions, if any, for changes or
improvements in the project. The executive director shall retain a

1 copy of the report and send a copy of the report to both the
2 commission and the district.

3 (e) The commission shall consider the application, the
4 engineer's report, the executive director's report, and any other
5 evidence allowed by commission rule to be considered in determining
6 the feasibility of the project.

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8 financed by the bonds is feasible and issue an order either
9 approving or disapproving, as appropriate, the issuance of the
10 bonds. The commission shall retain a copy of the order and send a
11 copy of the order to the district.

12 SECTION 2. This Act takes effect September 1, 1989.

13 SECTION 3. The importance of this legislation and the
14 crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

89 APR -4 PM 12:44
OFFICE OF REPRESENTATIVES

1st Printing

By Marchant

H.B. No. 1191

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COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

3-29-89
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred HB 1191 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

(x) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (x) yes () no An actuarial analysis was requested. () yes (x) no

An author's fiscal statement was requested. () yes (x) no

A criminal justice policy impact statement was prepared. () yes (x) no

A water development policy impact statement was requested. () yes (x) no

(x) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, (x) Consent, or () Resolutions Calendar.

This measure () proposes new law. (x) amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	x			
Willy, V.C.	x			
Collazo, C.B.O.				x
Culberson	x			
Holzheuser				x
Junell	x			
Swift	x			
Wentworth	x			
Yost	x			

Total
7 aye
0 nay
0 present, not voting
2 absent

T. Junell
CHAIRMAN
Deborah K. Wall
COMMITTEE COORDINATOR

HB 1191
By: Marchant

Committee on
Natural Resources

BILL ANALYSIS

Background

Current law does not require Water Commission approval of drainage district bonds, although most water districts are required to get such approval. Present difficulties in the financial markets suggest the need for review of all district's bonds.

Purpose of the Bill

This bill requires the Water Commission to review certain drainage district bonds.

Section by Section Analysis

Section 1. Amends Subchapter G, Chapter 57, Water Code to provide for Commission review and approval of all bonds except for refunding bonds. Provides for review procedures.

Section 2. Effective date, September 1, 1989.

Section 3. Emergency clause.

Rulemaking Authority

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

Summary of Committee Action

HB 1191 was considered in public hearing on March 29, 1989. The author, representative Marchant, explained the bill. The following persons testified for the bill: Joe Allen, representing the Utility Districts Advisory Corp.; James C. Box, representing the Utility Districts Advisory Corp. and David Harper representing the Williamson Co. MUD. There were no witnesses against the bill. The motion to report the bill favorably, for placement on the consent calendar, carried with a vote of 7 ayes, 0 nays, 0 PNV and 2 absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 13, 1989

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: House Bill No. 1191
By: Marchant

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1191 (relating to approval by the Texas Water Commission of drainage district bonds) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would prohibit drainage districts from issuing bonds repayable from tax revenues unless the Water Commission finds that the project to be financed is feasible and approves the bonds. The bill would require districts to submit engineering reports along with applications for the Commission to investigate to feasibility of a project.

The bill would place 46 existing drainage districts to the commission's bond review and approval authority. During the last two fiscal years the affected districts issued approximately \$50,000,000 per year in tax bonds. Assuming the same level of bond issuance activity local governments would pay the state \$125,000 per year (0.25 percent x \$50,000,000) in fees to cover bond review costs. The cost to the Water Commission is the cost of reviewing financial data and engineering reports and conducting inspections.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the Water Quality Fund No. 153</u>	<u>Probable Fee Revenue Gain to the Water Quality Fund No. 153</u>	<u>Probable Cost to Units of Local Government (Bond Issuance Fees)</u>	<u>Change in Number of State Employees from FY 1989</u>
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1994	84,400	125,000	125,000	+ 2

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

Source: Water Commission;
LBB Staff: JO, JWH, AL, WRC, LV

HOUSE ENGROSSMENT

03 APR 13 PM 2:10
HOUSE OF REPRESENTATIVES

By Marchant

H.B. No. 1191

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Source: Water Commission;
LBB Staff: JO, JWH, AL, WRC, LV

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Bill Sims, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 1196, by Senator [Signature],
was heard by the Committee on Natural Resources on _____, 19____,
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.

[Signature]
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON ADMINISTRATION, ROOM 419. PLEASE CALL 3-0350 IF YOU HAVE ANY QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

11
5-10-89
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred
HB 1191 by MARCHANT have on 5-10, 1989, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

Senate Sponsor of House Measure _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman	<input checked="" type="checkbox"/>			
Lyon, Vice Chairman				<input checked="" type="checkbox"/>
Armbrister				<input checked="" type="checkbox"/>
Bivins	<input checked="" type="checkbox"/>			
Brown	<input checked="" type="checkbox"/>			
Carriker	<input checked="" type="checkbox"/>			
Montford	<input checked="" type="checkbox"/>			
Ratliff	<input checked="" type="checkbox"/>			
Sims	<input checked="" type="checkbox"/>			
Uribe				<input checked="" type="checkbox"/>
Zaffirini				<input checked="" type="checkbox"/>
TOTAL VOTES	<u>7</u>			<u>4</u>

Grace M. Clement
COMMITTEE CLERK

[Signature]
CHAIRMAN

1 By: Marchant (Senate Sponsor - Santiesteban) H.B. No. 1191
2 (In the Senate - Received from the House April 17, 1989;
3 April 17, 1989, read first time and referred to Committee on
4 Natural Resources; May 11, 1989, reported favorably by the
5 following vote: Yeas 7, Nays 0; May 11, 1989, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7 Santiesteban	x			
8 Lyon				x
9 Armbrister				x
10 Bivins	x			
11 Brown	x			
12 Carriker	x			
13 Montford	x			
14 Ratliff	x			
15 Sims	x			
16 Uribe				x
17 Zaffirini				x

19 A BILL TO BE ENTITLED
20 AN ACT

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57 crowded condition of the calendars in both houses create an
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59 constitutional rule requiring bills to be read on three several
60 days in each house be suspended, and this rule is hereby suspended.

* * * * *

Austin, Texas
May 11, 1989

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred H.B. No. 1191, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Santiesteban, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 19, 1989

APR 20 REC'D

TO: Honorable H. Tati Santiesteban, Chair
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: House Bill No. 1191,
as engrossed
By: Marchant

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1191, as engrossed (relating to approval by the Texas Water Commission of drainage district bonds) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would prohibit drainage districts from issuing bonds repayable from tax revenues unless the Water Commission finds that the project to be financed is feasible and approves the bonds. The bill would require districts to submit engineering reports along with applications for the Commission to investigate to feasibility of a project.

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Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

Source: Water Commission;
LBB Staff: JO, JWH, AL, WRC, BL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 13, 1989

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

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LBB Staff: JO, JWH, AL, WRC, LV

F
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H.B. No. 1191

President of the Senate

Speaker of the House

I certify that H.B. No. 1191 was passed by the House on April 13, 1989, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1191 was passed by the Senate on May 20, 1989, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1191[✓] was passed by the House
(1)

on April 13[✓], 1989, by a non-record vote.
(2)

Chief Clerk of the House

I certify that H.B. No. 1191[✓] was passed by the Senate

on May 20[✓], 1989, by the following vote:
(3)

Yeas 31[✓], Nays 0[✓]
(4) (5)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: 'A;CT27;

H. B. No.

1191

By

M. L. D.

A BILL TO BE ENTITLED

AN ACT

relating to approval by the Texas Water Commission of drainage district bonds.

FEB 16 1989

1. Filed with the Chief Clerk.

MAR 1 1989

2. Read first time and Referred to Committee on

Natural Resources

MAR 29 1989

3. Reported ___ favorably ~~(as amended)~~
(as substituted) and sent to Printer at *1:50 pm*

APR 3 1989

APR 4 1989

4. Printed and distributed at *12:44 pm*

APR 4 1989

5. Sent to Committee on Calendars at *2:53 pm*

APR 13 1989

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of ___ yeas, ___ nays, ___ present, not voting).

7. Motion to reconsider and table the vote by which H.B. ___ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of ___ yeas, ___ nays, and ___ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of ___ yeas, ___ nays, and ___ present, not voting.

APR 13 1989

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of ___ yeas, ___ nays, ___ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. ___ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of ___ yeas, ___ nays, and ___ present, not voting).

APR 13 1989

12. Ordered Engrossed at *11:29 am*

APR 13 1989

13. Engrossed.

APR 13 1989

14. Returned to Chief Clerk at *2:10 pm*

APR 17 1989

15. Sent to Senate.

Betty Murray
Chief Clerk of the House

APR 17 1989

16. Received from the House

APR 17 1989

17. Read, referred to Committee on NATURAL RESOURCES

MAY 11 1989

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)

(___ yeas, ___ nays.)

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 20 1989

Said before Senate
23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

24. Caption ordered amended to conform to body of bill.

MAY 20 1989

25. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,
1 nays to place bill on third reading and final passage.

MAY 20 1989

26. Read third time and passed by

~~(a viva voce vote.)~~
(31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

May 20, 1989

MAY 20 1989

27. Returned to the House.

28. Received from the Senate ~~(with amendments.)~~
~~(as substituted.)~~

29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 20 1989

32. Ordered Enrolled at 11:01 am

HOUSE OF REPRESENTATIVES
89 APR 13 PM 2:10
89 APR -4 PM 12:44